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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,256	10/05/2004	Hubertus Cornelis Maria Van Den Nieuwenhuizen	NL 020271	8751

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

PERRY, ANTHONY T

ART UNIT PAPER NUMBER

2879

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/510,256

Applicant(s)

VAN DEN NIEUWENHUIZEN,
HUBERTUS CORNELIS

Examiner

Anthony T. Perry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Amendment filed on 7/07/06, has been entered and acknowledged by the Examiner.

The indicated allowability of claims 1-8 and 10 in the office action, mailed 6/14/06, is withdrawn in view of the newly discovered reference(s) to Nortrup et al. and Adamson. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nortrup et al. (US 5,959,404).

Regarding claims 1, 5, and 9, Nortrup et al. disclose a high-pressure discharge lamp and its method of manufacturing, wherein the high-pressure discharge lamp has a quartz glass discharge vessel (16) enclosing a discharge space with an ionizable filling, wherein a first electrode (18) and a second electrode (18) are present between which a discharge is maintained during lamp operation, wherein a first seal (23) incorporates a first internal electrical conductor (20) which connects the first electrode (18) to a first external electrical conductor (not labeled) extending from the seal (23) to the exterior, wherein said first seal (23) further incorporates a gas-filled cavity (50) which is at least partially surrounded by an external capacitive body (58) (for example, see Figs. 1-2). The external capacitive body (58) is electrically isolated from the

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first and second electrodes (18) and the electrodes (18) are inherently connected to an ignition system. The gas filled cavity is taught to include mercury vapor (see col. 2, lines 28-34).

Claims 1, 4, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris (US 5,323,091).

Regarding claims 1, 4, 5, and 9, Morris discloses a high-pressure discharge lamp and its method of manufacturing, wherein the high-pressure discharge lamp has a quartz glass discharge vessel (16) enclosing a discharge space with an ionizable filling, wherein a first electrode (18) and a second electrode (18) are present between which a discharge is maintained during lamp operation, wherein a first seal (42) incorporates a first internal electrical conductor (44) in the form a foil which connects the first electrode (18) to a first external electrical conductor (not labeled) extending from the seal (42) to the exterior, wherein said first seal (42) further incorporates a gas-filled cavity (50) which is at least partially surrounded by an external capacitive body (54), characterized in that the external capacitive body (54) is electrically isolated from the first and second electrodes (18), and the electrodes (18) are inherently connected to an ignition system. The foil (44) extends through the gas-filled cavity (10). The gas filled cavity is taught to include mercury vapor (see col. 4, lines 13-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nortrup et al. (US 5,959,404) as applied to claim 1, above, and further in view of Van den Nieuwenhuizen et al. (WO 00/77826).

Regarding claim 2, Nortrup discloses the external capacitive body in the form of a clip around the seal, but does not specifically teach the capacitive body being in the form of a wire wound around the seal. Van den Nieuwenhuizen et al. teach an external capacitive body that is the form of a wire wound around the seal in order to simplify the manufacture of the lamp assembly (see page 4, line 31 – page 5, line 2 and Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wire, as taught by Van den Nieuwenhuizen, for the external capacitive body so that a simple assembly method that involves only winding the wire around the seal portion and does not require welding or other complicated attachment means can be used in the manufacturing of the lamp.

Regarding claim 3, Nortrup discloses the external capacitive body in the form of a clip around the seal, but does not specifically teach the capacitive body being in the form of a resilient body that clamps itself around the seal. Van den Nieuwenhuizen et al. teach an external capacitive body that is the form of a resilient body that clips itself to the seal in order to simplify the manufacture of the lamp assembly (see page 5, lines 5-19 and Figs. 4-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a resilient body that is capable of clamping itself to the seal, as taught by Van den Nieuwenhuizen, for the external capacitive body so that a simple assembly method that does not require welding or other complicated attachment means can be used in the manufacturing of the lamp.

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Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nortrup et al. (US 5,959,404) as applied to claim 1, above, and further in view of Kawashima et al. (US 6,294,870).

Regarding claims 6-7, Nortrup et al. do not specifically teach the use of a lamp reflector. However, Kawashima et al. disclose the use of a lamp reflector (77) with a high-pressure discharge lamp (1) (see Fig. 12). The use of such lamp reflectors is well known in the art for reflecting emitted light in desired direction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lamp reflector as taught by Kawashima in order to increase the light intensity in a particular direction, for the purpose of illuminating a desired object. Figure 9 of the Kawashima reference shows capacitive body (73) being partially mounted within the holder (64) of the lamp reflector, such that it is embedded in cement (70).

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nortrup et al. (US 5,959,404) as applied to claim 1, above, and further in view of Adamson (US 6,094,017).

Regarding claims 8 and 10, Nortrup does not specifically describe the ignition system. However, Adamson teaches a high-pressure discharge lamp wherein the electrodes are connected to a resonance ignition system that produces a frequency of 150 kHz when the lamp is initially turned on. Adamson teaches that a frequency of 150 kHz is high enough to generate a high voltage to ignite an arc across the arc electrodes (col. 21, line 56 – col. 22, line 6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a resonance ignition system that produces a frequency of 150 kHz connected to the electrodes to ensure that the lamp consistently and reliably creates the initial arc required.

Other Prior Art Cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weber (US 4,095,167) teaches the ground plane (external capacitive body) in the form of a wire wound around the lamp.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment filed, 3/15/06 and 7/07/06 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Anthony Perry* whose telephone number is **(571) 272-2459**. The examiner can normally be reached between the hours of 9:00AM to 5:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. **The fax phone number for this Group is (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Perry
Patent Examiner
Art Unit 2879
July 20, 2006



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